

AO 91 Rev 11/11 Criminal Complaint  
United States District Court  
Texas

2018 AUG 20  
DEPUTY CLERK ~~DA~~

Plaintiff

Rico Cortez Dukes

v

Case no FMC18-1101

Denton County Court  
Defendant

**8-18 CV 2189-D**

Impanel of illegal grand jury

I, the complainant in this case state that the following is true to the best of my knowledge and belief. On or about the dates of June 29, 2018 in the county of Denton in the Eastern District of Texas the Defendant violated

|   | Code section                              | offense Description               |
|---|---|-----------------------------------|
| 1 | UTCA Government Code<br>24.117 Chapter 24 | illegal impanel of<br>grand jury. |
| 2 | TCCP Article 27.03                        | set aside indictment              |
| 3 | 42 US Code 198                            | deprivation of rights             |

This complaint is based on these facts continued on the attached sheet

Rico C Dukes Reserve All rights UCC1-308

Attorney for Defendant

1109 Harvest Glen Dr

Plano Tx 75023

## Spread sheet

On June 29, 2018 a indictment was filed at Denton County Clerk of court, on July 2, 2018. No grand jury impanel was in session upon either Day of June 29, 2018 or July 2, 2018. According to Denton County Designated Jury week for 2018 filed at Denton County Clerk of Court May 31, 2017 Sherri A Delstein. As well upon dentonRC.com indictments article for June indictments upon the indictment list for the month of June 28, 2018 the names are listed. Upon either Documents of the DentonRC.com and Denton County Designated Jury week there was no jury panel for June 29, 2018 and July 2, 2018. Motion to Quash was given to state Attorney and Defense Attorney July 24, 2018 Defendant sent Motion to Quash to Brady Shanklin because Defense Attorney refused to file Motion to Quash for illegal impanel of grand jury upon being told to do so by Defendant which violates the mal practice law 317 Action negligence - Acts constituting. The Motion to quash was never mention at any time upon August 1, 2018 which the paper shows the truthness of the filing and that all parties received a copy from Judge Brady Shanklin which the judge failed to

Dismiss, Denie are mention of the Motion to Quash in violation of VTCA Government Code 24.117 16th Judicial District Denton County (B) as well as violation of Constitution provisions 14th Amendment equal protection. In doing so violated the habeas corpus that was filed June 18, 2018 in Cody Waddill court room. The illegal impanel of a grand jury was for the reason of avoiding the grant of the Habeas Corpus which was violated Article 11.34 11.35 keep disobeying writ and ~~future of~~ further pen of writ. Many violations of law and Const provisions and federal statute were violated bring about a civil case against Denton County Court Cody Waddill Brody shanklin and Sherri Adelstein, Mick Myer, state Attorney Paul Hiemke Asst Michelle Dobson. All defendants violate VTCA 24.117 Keep 27.03 U.S. const 14th Amendment Denton Designated jury week. These violate of law and provisions have put the Defendant in a injustice and inpeckable circumstances and Bind and finiancl decrease from these violations of law. Defendant is a civil rights leader and approved U.S. councilman from U.S. Whitehouse FBI DOJ section information chief David M Hardy August 29, 2017

Defendant was illegally incarcerated from April 13, 2018 till August 1, 2018 which Documents that proves the truthfulness of the illegal violation of law.

### Claim Relief

Defendant ask for case to be Dismissed <sup>with</sup> ~~without~~ prejudice and Relief of compensation of 10,000 a day for every day of incarceration of Defendant at the Denton County Jail.

CAUSE NO. F18-1003-211 TRN: 9258578988 / A003  
 BOND: \$10,000 SHERRI ADELSTEIN PID NO. 3476145  
 DISTRICT CLERK DENTON CO., TX  
 DEFENDANT: RICO DUKES SID: TX 16807807 B/M 08/26/1979  
 CHARGE: POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO DELIVER  
 ART: NONE SEC: 481.112 CODE: HEALTH AND SAFETY  
 CO-DEFENDANT: NONE WARRANT NO: CPD18-054F  
 WITNESS: M.WALL CONTROL NO: 18-06424

**TRUE BILL OF INDICTMENT**

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS

THE GRAND JURORS, in and for the County of Denton, State of Texas, duly organized, impaneled, and sworn as such, at the January Term, A.D., 2018, of the District Court of the 16th Judicial District in and for said county and state, upon their oaths, present in and to said Court that RICO DUKES, who is hereinafter styled defendant, on or about the 9th day of February, 2018 and anterior to the presentment of this Indictment, in the county and state aforesaid, did then and there knowingly possess with intent to deliver a controlled substance, to-wit: cocaine, in an amount of one (1) gram or more but less than four (4) grams by aggregate weight including any adulterants or dilutants;

Act vernon's cop

~~\_\_\_\_\_~~

~~\_\_\_\_\_~~

(C)

against the peace and dignity of the State.

PAUL JOHNSON  
 CRIMINAL DISTRICT ATTORNEY OF  
 DENTON COUNTY, TEXAS

CERTIFIED A TRUE AND CORRECT COPY  
 OF THE ORIGINAL ON FILE IN MY OFFICE  
SHERRI ADELSTEIN  
 DENTON COUNTY DISTRICT CLERK  
 7/21/18 By: V. Parker  
 Date Deputy Clerk  
Chris R. [Signature]  
 Foreman of the Grand Jury

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[Texas Codes](#) > [Government Code](#) > [Title 2](#) > [Subtitle A](#) > [Chapter 24](#) > [Subchapter B](#) > § 24.117

## Texas Government Code 24.117 – 16Th Judicial District (Denton County)

Current as of: 2018 | [Check for updates](#) | [Other versions](#)

(a) The 16th Judicial District is composed of Denton County.

(b) The terms of the 16th District Court begin on the first Mondays in January and July of each year.

### Terms Used In Texas Government Code 24.117

**Year:** means 12 consecutive months. See Texas Government Code 311.005

[Subchapter B Contents](#)

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## Ask a question

**Subject**

## REGISTER OF ACTIONS

**CASE No. F18-1823-211**

## The State of Texas vs Rico Duke

Case Type: **Felony by Indictment**  
Date Filed: **06/29/2018**  
Location: **211th Judicial District Court**  
Judicial Officer: **Shanklin, Brody**  
Case Number History: **FMC18-1101**

## PARTY INFORMATION

**Defendant** **Dukes, Rico**

1109 Harvest Glen Dr  
Plano, TX 75023

### Lead Attorneys

**Mick Meyer**

*Court Appointed*  
103 S Woodrow Ln.  
Suite 1  
Denton, TX 76205

940-320-0303(W)  
940-320-0305(F)

**State of Texas State Of Texas**

### CHARGE INFORMATION

**Charges: Dukes, Rico**

## 2. Lesser Included Possession of a Controlled Substance

## Statute

481.115(c) HSC

**Level**

### 3rd Degree Felony

**Date**

02/09/2018

## EVENTS & ORDERS OF THE COURT

## DISPOSITIONS

|            |  |
|------------|--|
| 08/01/2018 | <b>Plea</b> (Judicial Officer: Shanklin, Brody)<br>2. Lesser Included Possession of a Controlled Substance<br>Guilty   |
| 08/01/2018 | <b>Disposition</b> (Judicial Officer: Shanklin, Brody)<br>2. Lesser Included Possession of a Controlled Substance<br>Deferred                                      |
| 08/01/2018 | <b>Sentence</b> (Judicial Officer: Shanklin, Brody)<br>2. Lesser Included Possession of a Controlled Substance<br>CSCD 5 Years with Community Service of 180 Hours |

## OTHER EVENTS AND HEARINGS

|            |  |
|------------|--|
| 02/10/2018 | <b>Bond</b><br>\$7,500.00  |
| 04/02/2018 | <b>Affidavit Pursuant to Article 17.16 / 17.19 of the CCP</b>  |
| 04/04/2018 | <b>Order for Article 17.16 or 17.19 Warrant/Capias</b> (Judicial Officer: Ramsay, Robin )  |
| 04/06/2018 | <b>Capias Issued (Pre-Indictment: Surrender of Principle)</b>  |
| 04/16/2018 | <b>Finding Regarding Indigence and Order Appointing Counsel</b> (Judicial Officer: Shipman, Sherry )<br>Appointed: Eaton, John Heberling   |
| 04/17/2018 | <b>Application for Court Appointed Attorney &amp; Financial Affid.</b><br>Party: Dukes, Rico   |
| 04/18/2018 | <b>Capias returned</b><br><i>Executed</i>  |
| 04/19/2018 | <b>Motion to Set Bail or Bond</b>  |
| 04/20/2018 | <b>Order Setting Bond</b> (Judicial Officer: Burgess, Steve )  |
| 05/24/2018 | <b>Motion for Withdrawal/Substitution of Counsel/Attorney</b><br>Party: Eaton, John Heberling<br>Party 2: Dukes, Rico  |
| 05/30/2018 | <b>Motion</b><br><i>to Dismiss-Failure to Provide Speedy Trial</i><br>Party: Dukes, Rico   |
| 06/04/2018 | <b>Motion to Withdraw As Counsel</b> (1:30 PM) (Judicial Officer Shipman, Sherry)  |
| 06/04/2018 | <b>Judicial Docket Entry</b> (Judicial Officer: Shipman, Sherry )<br><i>Defendant appeared; defense attorney allowed to withdraw; Defendant is representing himself in this matter going forward - SLS/MN</i>    |
| 06/05/2018 | <b>Order</b> (Judicial Officer: Shipman, Sherry )<br><i>Upon Defense Attorney's Motion to Withdraw</i>   |
| 06/05/2018 | <b>Courts' notice of setting</b><br>Sent to: Dukes, Rico   |
| 06/12/2018 | <b>Attorney Fees Expense Claim Form/Order Authorizing Payment</b> (Judicial Officer: Shipman, Sherry )<br><i>Copy of payment order sent to County Auditor by interoffice mail.</i><br>For: Eaton, John Heberling |
| 06/29/2018 | <b>True Bill of Indictment (OCA)</b>   |

Bond Set at \$10,000.00

07/02/2018 **Capias/Precept Issued**07/02/2018 **Precept**

Dukes, Rico

Served  
Returned

07/03/2018

07/06/2018

07/02/2018 **Order Transferring to the 211th Judicial District Court**07/04/2018 **Defendant's Acknowledgement of Alleged Offenses/Rights/Bonds**07/06/2018 **Finding Regarding Indigence and Order Appointing Counsel** (Judicial Officer: Shanklin, Brody)

Appointed: Goodwin, Stanley

07/06/2018 **Capias/Precept Returned Executed**07/09/2018 **Application for Court Appointed Attorney & Financial Affid.**

Party: Dukes, Rico

07/10/2018 **Finding Regarding Indigence and Order Appointing Counsel** (Judicial Officer: Shanklin, Brody)

Appointed: Meyer, Mick

07/12/2018 **Application for Court Appointed Attorney & Financial Affid.**

Party: Dukes, Rico

07/16/2018 **Arraignment hearing** (8:30 AM) (Judicial Officer Shanklin, Brody)

Result: Hearing Held

07/16/2018 **Court Setting / Plea Bargain Data / Continuance Data**07/19/2018 **Attorney Fees Expense Claim Form/Order Authorizing Payment** (Judicial Officer: Shanklin, Brody)

Copy of payment order sent to County Auditor by interoffice mail.

07/24/2018 **Motion to Quash**

Coordinator sent copy to State and Defense Attorney

Party: Dukes, Rico

07/25/2018 **Application for Court Appointed Attorney & Financial Affid.**

Party: Dukes, Rico

07/30/2018 **Letter from Defendant**

to Judge Shanklin (Emailed to State and Defense Attorney)

08/01/2018 **Plea Hearing** (8:30 AM) (Judicial Officer Shanklin, Brody)

Result: Hearing Held

08/01/2018 **Order of Deferred Adjudication** (Judicial Officer: Shanklin, Brody)08/01/2018 **Bill of Costs signed by Defendant**08/01/2018 **Plea Documents**

Plea Bargain Agreement, Waiver of Jury-Felony Plea of Guilty, Indictment/Information, Court's Admonition of Statutory and Constitutional Rights and Defendant's Acknowledgment

08/01/2018 **Trial Court's Certification of Defendant's Right of Appeal**08/01/2018 **Discovery Stipulation**08/01/2018 **Attorney Fees Expense Claim Form/Order Authorizing Payment** (Judicial Officer: Shanklin, Brody)

Copy of payment order sent to County Auditor by interoffice mail.

## FINANCIAL INFORMATION

Defendant Dukes, Rico

Total Financial Assessment

1,499.75

Total Payments and Credits

0.00

Balance Due as of 08/08/2018

1,499.75

07/11/2018 Transaction Assessment

161.75

07/30/2018 Transaction Assessment

20.00

08/01/2018 Transaction Assessment

1,000.00

08/01/2018 Transaction Assessment

318.00



DESIGNATED JURY WEEKS FOR 2018

THE FOLLOWING WEEKS HAVE BEEN DESIGNATED AS JURY WEEKS FOR THE MONTH OF  
JANUARY 2018:

JANUARY 08, 2018  
JANUARY 15, 2018  
JANUARY 22, 2018  
JANUARY 29, 2018



THE FOLLOWING WEEK(S) HAS BEEN DESIGNATED AS NON - JURY WEEK(S) FOR THE MONTH OF  
JANUARY 2018:

JANUARY 01, 2018

THE FOLLOWING WEEKS HAVE BEEN DESIGNATED AS JURY WEEKS FOR THE MONTH OF  
FEBRUARY 2018:

FEBRUARY 05, 2018  
FEBRUARY 12, 2018  
FEBRUARY 19, 2018  
FEBRUARY 26, 2018

THE FOLLOWING WEEK(S) HAS BEEN DESIGNATED AS NON - JURY WEEK(S) FOR THE MONTH OF  
FEBRUARY 2018:

THE FOLLOWING WEEKS HAVE BEEN DESIGNATED AS JURY WEEKS FOR THE MONTH OF  
MARCH 2018:

MARCH 05, 2018  
MARCH 12, 2018 (COUNTY COURTS ONLY)  
MARCH 19, 2018  
MARCH 26, 2018

THE FOLLOWING WEEK(S) HAS BEEN DESIGNATED AS NON - JURY WEEK(S) FOR THE MONTH OF  
MARCH 2018:

MARCH 12, 2018 (DISTRICT COURTS ONLY)

THE FOLLOWING WEEKS HAVE BEEN DESIGNATED AS JURY WEEKS FOR THE MONTH OF  
APRIL 2018:

APRIL 02, 2018  
APRIL 09, 2018  
APRIL 16, 2018  
APRIL 23, 2018  
APRIL 30, 2018

THE FOLLOWING WEEK(S) HAS BEEN DESIGNATED AS NON - JURY WEEK(S) FOR THE MONTH OF  
APRIL 2018:

THE FOLLOWING WEEKS HAVE BEEN DESIGNATED AS JURY WEEKS FOR THE MONTH OF  
MAY 2018:

MAY 14, 2018  
MAY 21, 2018  
MAY 28, 2018

THE FOLLOWING WEEK(S) HAS BEEN DESIGNATED AS NON - JURY WEEK(S) FOR THE MONTH OF  
MAY 2018:

MAY 07, 2018

THE FOLLOWING WEEKS HAVE BEEN DESIGNATED AS JURY WEEKS FOR THE MONTH OF  
JUNE 2018:

JUNE 04, 2018  
JUNE 11, 2018  
JUNE 18, 2018  
JUNE 25, 2018

THE FOLLOWING WEEK(S) HAS BEEN DESIGNATED AS NON - JURY WEEK(S) FOR THE MONTH OF  
JUNE 2018:

THE FOLLOWING WEEKS HAVE BEEN DESIGNATED AS JURY WEEKS FOR THE MONTH OF  
JULY 2018:

JULY 09, 2018  
JULY 16, 2018  
JULY 23, 2018  
JULY 30, 2018

THE FOLLOWING WEEK(S) HAS BEEN DESIGNATED AS NON - JURY WEEK(S) FOR THE MONTH OF  
JULY 2018:

JULY 02, 2018

THE FOLLOWING WEEKS HAVE BEEN DESIGNATED AS JURY WEEKS FOR THE MONTH OF  
AUGUST 2018:

AUGUST 06, 2018  
AUGUST 13, 2018  
AUGUST 20, 2018  
AUGUST 27, 2018

THE FOLLOWING WEEK(S) HAS BEEN DESIGNATED AS NON – JURY WEEK(S) FOR THE MONTH OF AUGUST 2018:

THE FOLLOWING WEEKS HAVE BEEN DESIGNATED AS JURY WEEKS FOR THE MONTH OF SEPTEMBER 2018:

SEPTEMBER 10, 2018  
SEPTEMBER 17, 2018  
SEPTEMBER 24, 2018

THE FOLLOWING WEEK(S) HAS BEEN DESIGNATED AS NON – JURY WEEK(S) FOR THE MONTH OF SEPTEMBER 2018:

SEPTEMBER 03, 2018

THE FOLLOWING WEEKS HAVE BEEN DESIGNATED AS JURY WEEKS FOR THE MONTH OF OCTOBER 2018:

OCTOBER 01, 2018  
OCTOBER 08, 2018  
OCTOBER 15, 2018  
OCTOBER 22, 2018  
OCTOBER 29, 2018

THE FOLLOWING WEEK(S) HAS BEEN DESIGNATED AS NON – JURY WEEK(S) FOR THE MONTH OF OCTOBER 2018:

THE FOLLOWING WEEKS HAVE BEEN DESIGNATED AS JURY WEEKS FOR THE MONTH OF NOVEMBER 2018:

NOVEMBER 05, 2018  
NOVEMBER 12, 2018  
NOVEMBER 26, 2018

THE FOLLOWING WEEK(S) HAS BEEN DESIGNATED AS NON – JURY WEEK(S) FOR THE MONTH OF NOVEMBER 2018:

NOVEMBER 19, 2018

THE FOLLOWING WEEKS HAVE BEEN DESIGNATED AS JURY WEEKS FOR THE MONTH OF DECEMBER 2018:

DECEMBER 03, 2018  
DECEMBER 10, 2018  
DECEMBER 17, 2018 (COUNTY COURTS ONLY)

THE FOLLOWING WEEK(S) HAS BEEN DESIGNATED AS NON - JURY WEEK(S) FOR THE MONTH OF  
DECEMBER 2018:

DECEMBER 17, 2018 (DISTRICT COURTS ONLY)  
DECEMBER 24, 2018 (DISTRICT COURTS)  
DECEMBER 31, 2018 (DISTRICT COURTS)

SIGNED THIS THE 31st DAY OF May, 2017.

  
BRUCE MCFARLING  
LOCAL ADMINISTRATIVE JUDGE

[https://www.dentonrc.com/news/crime/indictments-june/article\\_53fb2ece-950a-5ec9-acd8-e4d03b4208db.html](https://www.dentonrc.com/news/crime/indictments-june/article_53fb2ece-950a-5ec9-acd8-e4d03b4208db.html)

## Indictments: June 28, 2018

Jul 1, 2018

The following people were indicted by a Denton County grand jury on Thursday at the Denton County Courts Building. Listed are those indicted, their age (at date of indictment), charges and the law enforcement agency that made the arrest:

Maximillian Morones IV, 20, two counts of sexual assault, University of North Texas police

Paul Parker, 28, assault family violence, Denton police



Kaitlyn Juarez, 23, possession of a controlled substance with intent to deliver, Carrollton police

Terry Hernandez, 24, possession of a controlled substance with intent to deliver, Carrollton police

Cameron Lister, 22, two counts of assault against public servant, Carrollton police

Jesus Osuna, 32, possession of a controlled substance with intent to deliver, Carrollton police

Morgan Babin, 32, possession of a controlled substance, Carrollton police; robbery, Lewisville police

Michael Tallman, 20, three counts of sexual assault, Denton police

Sara Chufar, 30, assault against emergency services personnel, Denton police

Brandy Davis, 39, four counts of possession of a controlled substance by fraud, Denton police

Joe Davis, 47, burglary of a building, Denton police

Pamela Stokes a.k.a. Pamela Woods, 42, theft, possession of a controlled substance, unauthorized use of a vehicle, Denton police; tampering with or fabricating physical evidence, University of North Texas police

Cory McAllister, 22, burglary of a habitation, Denton police

Lermont Stowers-Jones, 17, burglary of a habitation, Denton police

Robert Winters, 17, burglary of a habitation, Denton police

Christy Turner, 35, possession of a controlled substance, Denton police

Michael Gonzales, 39, possession of a controlled substance, Denton police

Chad Syphrett, 34, three counts of sexual assault, Aubrey police

Christopher Hermann, 33, escape, Denton County Sheriff's Office

Nathaniel Bresci, 40, possession of a controlled substance, fraudulent use or possession of identifying information, Flower Mound police

Austin Delamarter, 22, possession of a controlled substance, three counts of possession of a controlled substance with intent to deliver, Flower Mound police

Wyatt Hagerty, 23, assault against public servant, possession of a controlled substance, Flower Mound police

Jeremy Lang, 40, two counts of possession of a controlled substance, Flower Mound police

Juan Lopez, 58, possession of a controlled substance, Flower Mound police

Michael Martinez, 38, assault against public servant, Flower Mound police

Robert Stewart, 19, two counts of possession of a controlled substance, possession of a controlled substance with intent to deliver, Flower Mound police

William Blum Sr., 60, possession of a controlled substance with intent to deliver, The Colony police

William Blum II, 32, possession of a controlled substance, The Colony police

Lacey Boothe, 23, possession of a controlled substance, The Colony police

Jeremy Forbes, 31, theft, The Colony police

Austin Sena, 32, three counts of possession of a controlled substance, The Colony police

Hannah Turner, 23, possession of a controlled substance, The Colony police

Thomas Willingham, 42, evading arrest, burglary of a habitation, The Colony police; abandoning a child, Little Elm police

Ekene Eche, 18, two counts of sexual assault, University of North Texas police

Angel Hernandez, 18, robbery, Lewisville police

William Scott, 19, harassment of public servant, three counts of retaliation, Lewisville police



Oscar Enriquez, 23, possession of a controlled substance with intent to deliver, Lewisville police

Jandro Enriquez, 19, three counts of possession of a controlled substance with intent to deliver, possession of marijuana, Lewisville police

Tytianna Johnson, 21, credit card abuse, Lewisville police

Joeanna Thompson, 42, credit card abuse, Lewisville police

Kevin Johnson, 19, credit card abuse, possession of a controlled substance, Lewisville police

John Lindsey, 53, possession of a controlled substance, Lewisville police

John Nelson Jr., 24, possession of a controlled substance, Lewisville police

Deunte Williams, 27, criminal mischief, Lewisville police

Dwight Goldy, 48, unauthorized use of a vehicle, Argyle police

Derek Wilkinson, 34, unlawful possession of firearm, Denton County Sheriff's Office

Esteban Garcia-Fonseca, 26, accident involving personal injury, Frisco police



Jennifer Rosso, 44, possession of a controlled substance, Corinth police

Tommy Houck, 42, driving while intoxicated, Krum police

Carlos Roberson, 47, driving while intoxicated, Lewisville police

Rachael Stanley, 28, driving while intoxicated, Lewisville police

Todd Taylor, 47, driving while intoxicated, Lewisville police

Bryan Borghesi, 44, possession of a controlled substance, Prosper police

Ryan Dixon, 42, evading arrest, Sanger police



SHERRI ADELSTEIN  
Denton County District Clerk  
By: Anthony Platt, Deputy

FMC18-1101

Cause No.

STATE OF TEXAS,

vs.

RICO DUKES

In the \_\_\_\_\_ Judicial

District Court of

Denton County, Texas

FILE FOR RECORD  
DENTON COUNTY CLERK

JUN 25 2018

ANTHONY PLATT  
DEPUTY

**DEFENSE ATTORNEY'S MOTION TO WITHDRAW**

**TO THE HONORABLE JUDGE OF SAID COURT:**

JOHN H. EATON, appointed lawyer for Rico Dukes, moves for an order withdrawing the undersigned in above unindicted cause and respectfully avers:

On April 16, 2018, the undersigned was appointed to represent the Defendant on an unindicted charge of Possession of a Controlled Substance Equal to or More than One Gram, but Less than Four Grams, without bail under warrant number FMC18-1101. On April 19, 2018, the undersigned filed a Motion to Set Bail and the same was ordered and set a \$5,000.00 on April 20, 2018.

On April 25, 2018, the undersigned was appointed to represent the Defendant on misdemeanor charges of Criminal Trespass and Possession of Marijuana Less than 2 Ounces, under cause numbers CR-2017-07913 and CR-2018-01734, respectively, both in County Criminal Court No. 3.

On April 26, 2018, the undersigned filed a Motion for Surety Bond in Cause No. CR-2017-07913-C. According to the Denton County Jail booking records, the Defendant had a surety bond on the Possession of Marijuana charge, but a cash bond was placed on the Criminal Trespass charge. The reason for the cash bond was a prior failure to appear. The purpose of this motion was to secure a surety bond to give the Defendant a chance to bail out of jail. (The Defendant had been booked in Denton County on April 17, 2018 and would have been eligible for PR release or lowered bail under Article 17.151 on April 31, 2018. However, the Defendant wanted the motion for surety bond filed immediately, and the undersigned did so.

On April 27, 2018, the undersigned met the Defendant in jail for the third time to report on the progress of the court filings. After discussion, the undersigned and the Defendant were unable to reach an agreement how to best advance the defense. More particularly, Mr. Dukes insisted that the undersigned e-file a handwritten motion citing alleged federal authority for a dismissal of all charges. The undersigned declined to immediately file the motion but offered to research the issue to determine its merit. Mr. Dukes then advised that the undersigned was "fired," took his paperwork and left the interview.

On May 16, 2018, the undersigned filed a Motion to Withdraw in both misdemeanor cases. The Motion for Surety Bond in CR-2017-07913-C had been set for a contested hearing on May 22, 2018, at 3:15 PM before the Honorable David Garcia, and the Motion to Withdraw in Cause Numbers CR-2017-07913-C and CR-2018-01734-C was later added to the docket. However, upon appearance by the undersigned, both matters were transferred to another court because it was reported that the Defendant had filed litigation in Federal Court implying or invoking a judicial conflict or the appearance of a conflict. Judge Garcia correctly instructed the undersigned to file the Motion to Withdraw in District Court under the unindicted charge, which motion, if granted, would effectuate an automatic removal from the misdemeanor cases. The motion now before the Court followed.

In support of this motion, the undersigned shows that Rule 1.15 of the Rules of Professional Conduct require:

"(a) A lawyer shall decline to represent a client or, where representation has commenced, shall withdraw, except as stated in paragraph (c), from the representation of a client, if:

....

"(3) the lawyer is discharged, with or without good cause.

....

"(c) When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation"

The undersigned has lost authority to represent Mr. Dukes, and even if that authority were restored by order of the Court, the undersigned does not believe that he could provide effective representation. There is an irresolvable conflict between Mr. Dukes and the undersigned on the nature of an attorney/client relationship and the duties imposed upon each by that relationship. Further, Mr. Dukes has expressed a desire to represent himself.

WHEREFORE, the undersigned requests an order to withdraw from representation of the Defendant and for such further, additional relief as may be appropriate in the premises.

Respectfully submitted this 24<sup>th</sup> day of May 2018

/John H. Eaton/

John H. Eaton

903 North Elm Street

Denton, Texas 76209

eatonlaw@hotmail.com

Office-940-597-7283

FAX-940-497-0702

#### CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing was served upon Rico Dukes, by deposit in the US Mail, with postage prepaid, addressed to Rico Dukes, Denton County Jail, SO # 211744, 127 North Woodrow Lane, Denton, Texas 76205, on the 24<sup>th</sup> day of May 2018.

/John H. Eaton/

John H. Eaton